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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,047	12/20/2000	Steve Okun	11271STUS01U	9953
7590 Garlick & Harrison P.O. Box 670007 Dallas, TX 75367			EXAMINER MILLER, BRANDON J	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,047

Applicant(s)

OKUN ET AL.

Examiner

Brandon J Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/20/04 has been entered.

Response to Amendment

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon in view of Bach.

Regarding claim 25 Cannon teaches a mobile station comprising: communication circuitry for processing wireless communication signals (see col. 2, lines 11-19). Cannon teaches audio processing circuitry for converting between sound and audio signal and for receiving sound from a microphone and for producing sound to a speaker (see col. 3, lines 11-19 and col. 4, lines 32-36 & 64-67). Cannon teaches logic to prompt the mobile station to generate signaling to a communication network element to complete call setup including completing connection of an incoming call (see col. 2, lines 21-28). Cannon teaches logic further to mute

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the microphone even though an incoming call is connected (see col. 2, lines 21-25 & 51-62).

Cannon teaches logic circuitry for prompting the mobile station to transmit a request that a specified message be played to the calling party to advise the calling party that the called party will be taking the call shortly (see col. 2, lines 33-40). Cannon teaches wherein the mobile station only transmits the request if the called party depressed a select button or key while being alerted that a call was coming in for the called party (see col. 2, lines 30-40). Cannon does not specifically mention completing connection of a voice channel. Bach teaches completing connection of an incoming call that includes completing connection of a voice channel (see col. 5, lines 16-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the call completion setup in Cannon adapt to include completing connection of a voice channel because without the completed connection of a voice channel, the muting function described in Cannon would no longer be necessary.

Regarding claim 26 Bach teaches prompting the mobile station to transmit an indication that the called party is ready to take the call (see col. 2, lines 56-59).

Regarding claim 27 Cannon teaches a select button that is a keypad number button (see col. 2, lines 29-31).

Regarding claim 28 Cannon teaches a mobile station comprising: communication circuitry for processing wireless communication signals (see col. 2, lines 11-19). Cannon teaches audio processing circuitry for converting between sound and audio signal and for receiving sound from a microphone and for producing sound to a speaker (see col. 3, lines 11-19 and col. 4, lines 32-36 & 64-67). Cannon teaches logic circuitry for prompting the mobile station to complete call connection including completing connection of an incoming call (see col.

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2, lines 21-28). Cannon teaches logic further to mute the microphone until the called party takes the call to prevent audio transmission over the connection call until the called party takes the call (see col. 2, lines 21-25 & 51-65). Cannon teaches transmitting a message to the calling party to advise the calling party that the called party will be taking the call shortly (see col. 2, lines 33-40). Cannon does not specifically mention completing connection of a voice channel. Bach teaches completing connection of an incoming call that includes completing connection of a voice channel (see col. 5, lines 16-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the call completion setup in Cannon adapt to include completing connection of a voice channel because without the completed connection of a voice channel, the muting function described in Cannon would no longer be necessary.

Regarding claim 29 Cannon teaches a mobile station wherein the message is only transmitted if the called party depressed a select button or key while being alerted that a call was coming in for the called party (see col. 4, lines 3-14).

Regarding claim 30 Cannon teaches a microphone that is muted until the called party depresses a select key indicating that he is ready to take the call (see col.2, lines 51-65).

Regarding claim 31 Cannon teaches a speaker that is muted until the called party depresses a select key indicating that he is ready to take the call (see col.2, lines 51-65).

Claims 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chow in view of Khasnabish.

Regarding claim 32 Chow teaches a method for connecting a call placed by a calling party to a called party having a multi-line capable phone (see col. 7, lines 21-26 and col. 72, lines 11-24). Chow teaches receiving an indication that a call is to be setup with the called party and

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determining a service node for the called party and transmitting call setup signals to the serving node (see col. 22, lines 11-13 & 49-67 and col. 23, lines 1-3). Chow teaches receiving an indication of the called party number (see col. 5, lines 29-33). Chow teaches connecting a first call to the called party; and receiving indication that a second call is to be setup with the called party (see col. 7, lines 21-26). Chow teaches producing an indication to the called party that a second call is being received while the first call is still in progress (see col. 7, lines 21-26).

Chow teaches receiving an indication from the called party to place the calling party on hold (see col. 73, lines 54-59 and col. 74, lines 35-40). Chow teaches responding to a called party response by triggering the play of a select message to the calling party to advise the calling party that the called party will be taking the call shortly (see col. 34, lines 50-61). Chow does not specifically teach an interactive voice response (IVR) to play a specified message. Khasnabish teaches using an IVR for specified messages in call holding features (See col. 6, lines 60-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include an interactive voice response (IVR) to play a specified message because this would allow for an efficient method of transmitting a signal indicating a call has been placed on hold.

Regarding claim 33 Chow teaches providing instructions to the calling party to give directions for leaving a message to get off hold (see col. 42, lines 5-11 & 22-30).

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chow in view of Khasnabish and Bach.

Regarding claim 34 Chow and Khasnabish teach a device as recited in claim 32 except for providing a reminder to a called party that a second call is still on hold. Bach teaches

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notifying a called party that a calling party has remained on hold (see col. 3, lines 60-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include providing a reminder to a called party that a second call is still on hold because this would allow for improved communication control when a calling party has been placed on hold.

Response to Arguments

Applicant's arguments with respect to claim 25-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gutzmann U.S Patent No. 6,118,861 discloses a calling party invoked held call monitoring.

Nakamura U.S Patent No. 6,553,221 discloses incoming call notification apparatus.

Nguyen U.S. Patent No. 5,995,848 discloses a system and method of completing calls to busy mobile subscribers in a radio telecommunications network.

Ahlberg U.S. Patent No. 5,657,372 discloses systems and methods for selectively accepting telephone calls without establishing voice communications.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 31, 2005


WILLIAM TROST
SUPERVISORY PATENT EXAMINER
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